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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,888	06/29/2001	Anil Vasudevan	219.40060X00	4965
23838	7590	11/13/2007	EXAMINER	
KENYON & KENYON LLP			BAROT, BHARAT	
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SUITE 700				
WASHINGTON, DC 20005				
			ART UNIT	PAPER NUMBER
			2155	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/893,888

Applicant(s)

VASUDEVAN, ANIL

Examiner

Bharat N Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/20/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (U.S. Patent No. 5,727,002) in view of Chalasani et al (U.S. Patent No. 5,274,782).

3. As to claim 1, Miller et al teach a method of transferring data packets between a server environment and a client (abstract, figures 1-2; and column 4 line 50 to column 5 line 63), the method comprising: receiving a data packet from a stack (source) in the server environment; sending an acknowledgment packet to the stack; and transmitting the data packet across an I/O bus (network) in the server environment (figures 1-3; and column 4 line 50 to column 6 line 11).

However, Miller et al do not teach that the acknowledgment packet is sent to the stack without sending the acknowledgment packet across the I/O bus.

Chalasani et al teach that transmitting the data packet across an I/O bus (network) in the server (memory modules) environment; and the acknowledgment packet is sent to the stack (processing elements) without sending the acknowledgment packet across the I/O bus (sending the acknowledgment packet across a response network) (figures 1-3; and column 5 line 9 to column 6 line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chalasani et al stated above in the method of Miller et al as stated above because it would have improved managing and controlling a network switch and limit the flexibility and performance scalability of the network by reducing packet traffic across the I/O bus (network) in the server environment.

4. As to claim 2, Miller et al disclose that the data packets comprise TCP/IP data packets (column 5 line 64 to column 6 line 11; and column 13 lines 18-31).

5. As to claim 3, Miller et al do not teach that storing information regarding the transmitted data packet in a network interface card.

Chalasani et al teach that storing information regarding the transmitted data packet in a network interface card (memory modules) (figures 1 and 3; and column 5 line 55 to column 6 line 66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chalasani et al stated above in the method of Miller et al as stated above because it would have improved managing and controlling a network switch and performance scalability of the network.

6. As to claim 4, Miller et al teach that transmitting the data packet across a network from the server environment to the client (figure 2; and column 4 line 50 to column 5 line 63).

7. As to claims 5-7, Miller et al teach that the network interface card monitoring acknowledgment packets regarding the data packet from the client/server; recognizing an error condition if the acknowledgment packet regarding the transmitted data packet is not receiving from the client/server; and transmitting an indication of the error condition (abstract; column 2 lines 38-63; and column 7 line 37 to column 8 line 59).

8. As to claims 8-14, they are also rejected for the same reasons set forth to rejecting claims 1-7 above.

9. As to claims 15-21, they are also rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 15-21 are merely an apparatus for the method of operation defined in the method claims 1-7.

10. As to claims 22-24, they are also rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 22-24 are merely an apparatus for the method of operation defined in the method claims 1-7.

Additionally, Chalasani et al a network interface card comprising: a mechanism to communicate across a network so as to transmit the received data packets to a remote system and to receive an acknowledgment packet from the remote system across the network (figures 1-2; column 5 lines 9-54; and column 6 lines 29-66).

Additional Reference

11. The examiner as of general interest cites the following reference.

a. Takamoto et al, U.S. Patent No. 6,470,391.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

October 29, 2004


BHARAT BAROT
PRIMARY EXAMINER